

**AGENDA**  
**Land Development Code**  
**Code Monitoring Team (CMT) Meeting**  
**Wednesday • January 13, 2010 • 2:00 to 4:00 pm**

**Development Services Center (DSD) • Conference Room 5C**  
**1222 First Avenue, San Diego, CA 92101**

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**CMT MEMBERS:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Charles Bull<br>Historic Resources                  | <input type="checkbox"/> Guy Preuss<br>Community Member – CPC            | <input type="checkbox"/> Vacant<br>Sierra Club                              |
| <input type="checkbox"/> John Leppert<br>American Society of Civil Engineers | <input type="checkbox"/> Scott Molloy<br>S.D. Assoc. of Realtors         | <input type="checkbox"/> Vacant<br>Business Owner at-Large                  |
| <input type="checkbox"/> Claude-Anthony Marengo<br>Community Member at-Large | <input type="checkbox"/> Steve Silverman<br>American Planning Assoc.     | <input type="checkbox"/> Vacant<br>Chamber of Commerce                      |
| <input type="checkbox"/> Rebecca Michael<br>S.D. Bar Association             | <input type="checkbox"/> John Ziebarth<br>American Inst. of Architecture | <input type="checkbox"/> Vacant<br>Small Business                           |
| <input type="checkbox"/> Matt Adams<br>Building Industry Assoc.              | <input type="checkbox"/> Alan Pentico<br>SD County Apartment Assoc.      | <input type="checkbox"/> Vacant<br>American Society of Landscape Architects |
| <input type="checkbox"/> Sean Cardenas<br>Assoc. of Environmental Planners   |  | <input type="checkbox"/> Vacant<br>League of Women Voters                   |

**ITEMS:**

1. Water Submetering Ordinance- Council District 7  
  
Attachment - Draft Ordinances
2. Non Agenda Public Comment
3. Sustainable Incentive Program  
  
Attachment

Next Meeting: February 10, 2010, 2:00 - 4:00 DSD Conference Room 5C

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SAN DIEGO AMENDING CHAPTER 6, ARTICLE 7,  
DIVISION 1 OF THE MUNICIPAL CODE; AMENDING  
CHAPTER 6, ARTICLE 7 BY ADDING NEW DIVISION 6;  
AMENDING CHAPTER 14, ARTICLE 4, DIVISION 5;  
AMENDING CHAPTER 14, ARTICLE 7, DIVISION 4 BY  
ADDING NEW SECTION 147.0410; ALL RELATING TO  
WATER SUBMETERING.

WHEREAS, the San Diego region is heavily reliant on imported water, importing as  
much as 90% of its water from outside the County; and

WHEREAS, increased water conservation is necessary to ensure sufficient water  
resources for current and future residents of the City of San Diego; and

WHEREAS, nearly 50% of the residents of the City of San Diego live in multi-family  
residential or mixed-use buildings where water consumption in each individual unit is not  
measured; and

WHEREAS, the cost of water and sewer service for multi-family residential and mixed-  
use buildings is often divided among the individual units without regard for the actual volume of  
water consumed in the unit; and

WHEREAS, charging individual residential units in multi-family residential and mixed-  
use buildings based on the actual amount of water consumed will create a financial incentive for  
residents of multi-family residential units to conserve water; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 6, Article 7, Division 1 of the San Diego Municipal Code is amended by amending Section 67.0102:

**§67.0102 Water System – Definitions**

Terms defined in Chapter 6, Article 7, Divisions 1, 2, 3, 4, 5 and 6 are indicated by italics. For purposes Chapter 6, Article 7, Divisions 1, 2, 3, 4, 5 and 6 the following terms are defined:

Applicant through Fire Service Connection [No change in text.]

*Fixed charges* means the charges in the *master bill* that do not vary with the volume of water consumed.

Legal or Equitable Owner through Manager [No change in text.]

*Master bill* means the bill received by the *submeter operator* from the City of San Diego or other utility retailer.

Service Connection through Shut Off Valve [No change in text.]

*Submeter* means a device for recording the volume of water consumed in each residential unit of a multi-family residential property that is owned and operated by the *submeter operator*.

*Submetered consumer* means any person who receives water through a *submeter* and is responsible to pay a *submeter operator* for *utility services*.

*Submeter operator* means a *consumer* who has an account with the City of San Diego or other utility retailer for *utility service*, and owns or manages a multi-family residential unit property with a separate *submeter* for each residential unit.

*Submeter system* means any system for measurement of the volume of water consumed by the occupants of each individual residential unit through the use of water *submeters*.

*Utility service* means separately, or in any combination, water service, sewer service, and storm water service.

*Variable charge* means the charges in the *master bill* that vary depending on the volume of water consumed.

Water System

[No change in text.]

Section 2. That Chapter 6, Article 7, Division 6 of the San Diego Municipal Code is created by adding Sections 67.0601 through 67.0608.

**§67.0601 Purpose and Intent**

This Division is adopted to encourage water conservation in multi-family residential and mixed-use buildings by requiring the use of water *submeters* for individual residential units. Billing individual residential units based on the actual amount of water consumed in the unit will create a financial incentive for residents of multi-family residential units to conserve water.

**§67.0602 Application**

- (a) This Division applies to multi-family residential and mixed-use buildings where *submeters* have been installed to measure water consumption in the individual residential units. This Division does not apply to mobile home parks or to residential units designated as affordable housing pursuant to a recorded regulatory agreement with a governmental agency.

- (b) Nothing herein shall be construed to limit or alter any existing regulations related to testing and oversight of *submeters* by the California Department of Food and Agriculture, Division of Measurement Standards.

**§67.0603 Submeter Billing**

- (a) Every *submeter operator* shall bill each *submetered consumer* either monthly or bi-monthly for *utility service* based on water consumption recorded by the *submeters*.
- (b) The *submeter operator* shall bill each *submetered consumer* a portion of the *fixed charges*, calculated by dividing the total *fixed charges* equally among the total number of *submetered consumers* and non-residential units without *submeters*, if any, which do not receive a separate *master bill*.
- (c) The *submeter operator* shall bill each *submetered consumer* for *variable charges* at the same rate charged in the *master bill*. In the event a *submeter* reading is unavailable, the *submeter operator* shall bill the *submetered consumer* based on a reasonable estimate of water consumption.
- (d) The *submeter operator* may charge an administrative fee for the actual third party costs of reading *submeters* and providing billing services, up to a maximum of \$4.00 per *submetered consumer* per month. The maximum administrative fee shall increase by \$0.25 on January 1, 2011 and by \$0.25 every three years thereafter.

- (e) The *submeter operator* may charge a *submetered consumer* a late fee not to exceed \$10.00 per billing cycle in the event that the utility bill is not paid in full prior to the due date, which shall be no less than 19 days following the date of mailing or delivery of the bill.
- (f) This Division shall not preclude a *submeter operator* from paying some or all of the cost of *utility service* for a *submetered consumer* as an incentive to attract or retain tenants. While such an incentive is in effect, the *submeter operator* shall continue to provide each *submetered consumer* with a monthly or bi-monthly submeter bill pursuant to this Division, reflecting a credit for the portion of the bill paid by the *submeter operator*.

**§67.0604 Contents of Submeter Bills**

All utility bills prepared by a *submeter operator* pursuant to this Division must include all of the following itemized information:

- (a) The total amount due, separated into *fixed charges* and *variable charges*.
- (b) The beginning and ending *submeter* readings with the dates of the *submeter* readings.
- (c) The total amount of the *master bill*, including the total *fixed charges* and the total *variable charges*.
- (d) Any administrative fees or late fees being charged.
- (e) A statement that the bill is not from the local utility.
- (f) The name of the local utility providing the *utility services*.
- (g) Name of the entity preparing the *submeter* bill.
- (h) A toll free telephone number for inquiries and questions.

- (i) In situations where *submeter* readings cannot be obtained, a statement that the bill was estimated. In no event shall a *submeter* reading be estimated for more than three consecutive months.
- (j) The date the bill is due.
- (k) Any past due amounts.

**§67.0605 Rental Agreements**

All rental agreements that require tenants to pay for *utility service* in a multi-family residential building with a *submeter system* shall contain all of the following information:

- (a) A description of any administrative fees or late fees that will be assessed.
- (b) The name of the *submeter* billing provider (if any) that will be providing the *submeter* billing service as of the time the rental agreement is signed.
- (c) A specific reference to this Article.
- (d) A description of how *submeter* bills are calculated, including how *fixed charges* and *variable charges* are apportioned in pursuant to Section 67.0603.

**§67.0606 Records**

*Submeter owners* shall retain the *master bill* and copies of all *submeter* bills for at least one year after the date of the bill, and make such records available at the request of a *submetered consumer* upon three business days notice, either electronically or on paper, in addition to information about the *submeter system* that will allow the individual consumer to verify his or her charges. Nothing herein is intended allow a *submetered consumer* to obtain a copy of a *submeter* bill of another *submetered consumer*.

**§67.0607      Violations**

It is unlawful to violate any mandatory provision of this Division. Any violation that continues over more than one billing period of the *master bill* is considered a separate violation for purposes of enforcement.

Section 3. That Chapter 14, Article 4, Division 5 of the San Diego Municipal Code is amended by adding new subsection (g) to Section 144.0507:

**§147.0410      Water Submeters**

- (a) Notwithstanding Section 147.0402, water submeters shall be installed in the following types of *development* to provide for the measurement of the volume of water used in each *dwelling unit*:
  - (1) New *multiple dwelling units* with three or more *dwelling units*.
  - (2) Existing *multiple dwelling units* with three or more *dwelling units* with a horizontal loop potable water system where more than 65 percent of the interior potable water supply piping is being replaced within a five year time span.
  - (3) Existing *multiple dwelling units* built pursuant to the 1998 California Plumbing Code or any subsequent version and has only one cold water connection and one hot water connection serving each individual unit.
- (b) Every water submeter shall be installed in accordance with Title 4, Division 9 of the California Code of Regulations, and such that the primary indicator or remote reader may be easily accessed and read by the



occupant of the *dwelling unit*, and read by the owner or manager of the *multiple dwelling unit* without entering the *dwelling unit*.

- (c) Water submeters installed pursuant to this Section must be certified for use for commercial purposes pursuant to the California Business and Professions Code.
- (d) For *development of dwelling units* designated as affordable housing pursuant to a recorded regulatory agreement with a governmental agency, *dwelling units* shall be pre-plumbed for water submeters. The requirement of this Section to install a water submeter shall only apply when a *dwelling unit* is no longer designated as affordable housing.

Section 5. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public a day prior to its passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By \_\_\_\_\_  
Mark M. Mercer  
Deputy City Attorney

TCZ:MMM:ca  
12/14/2009  
Or.Dept: Water  
O-2010-43

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

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resources for current and future residents of the City of San Diego; and

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**§67.0607 Violations**

It is unlawful to violate any mandatory provision of this Division. Any violation that continues over more than one billing period of the *master bill* is considered a separate violation for purposes of enforcement.



Section 4. That Chapter 14, Article 7, Division 4 of the San Diego Municipal Code is amended by adding Section 147.0410. This section shall not apply to applications for development received by the City prior to the effective date of this ordinance:

**§147.0410 Water Submeters**

- (a) Notwithstanding Section 147.0402, water submeters shall be installed in the following types of *development* to provide for the measurement of the volume of water used in each *dwelling unit*:
  - (1) New *multiple dwelling units* with three or more *dwelling units*.
  - (2) Existing *multiple dwelling units* with three or more *dwelling units* where the entire interior potable water supply piping is being replaced.
    - (i) This subsection does not apply to existing multiple dwelling units whose individual units are served by more than one cold water riser and one hot water riser system.
- (b) Every water submeter shall be installed in accordance with Title 4, Division 9 of the California Code of Regulations, and such that the primary indicator or remote reader may be easily accessed and read by the occupant of the *dwelling unit*, and read by the owner or manager of the *multiple dwelling unit* without entering the *dwelling unit*.

- (c) Water submeters installed pursuant to this Section must be certified for use for commercial purposes pursuant to Section 12500.5 of the California Business and Professions Code, or any subsequent amendments.
- (d) For *development of dwelling units* designated as affordable housing pursuant to a recorded regulatory agreement with a governmental agency, *dwelling units* shall be pre-plumbed for water submeters. The requirement of this Section to install a water submeter shall only apply when a *dwelling unit* is no longer designated as affordable housing.

Section 5. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public a day prior to its passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By \_\_\_\_\_  
Mark M. Mercer  
Deputy City Attorney

TCZ:MMM:ca  
12/11/2009  
Or.Dept: Water  
O-2010-43

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

## **INCENTIVE IDEAS**

Development Services Department  
December 2009

Following is a list of incentives based on a stakeholder meetings and staff research for consideration for use in revising Council Policies (600-27, 900-12, and 900-14) related to current and potential incentive programs for development projects.

### **Process Related Incentives**

Processing options/requirements that streamline overall process timelines by timely identification and resolution of project issues, by gaining high level project review commitments, and by identifying most efficient project processing options.

**Pre-Application Meeting** - Provide pre-application meetings with key staff and department management to focus project issues, gain high level commitment to processing decisions and identify necessary submittal requirements and project review team.

**Project Review Meeting** – Provide project review meetings for all qualifying projects after completion of review cycles (as necessary) to resolve all known conflicts and project related design issues.

**Processing Time Incentives** - Provide guaranteed project review and processing timelines for projects such as current expedite program (1/2 time of standard staff review).

**Priority Docketing** - Provide reserved docket hearing dates and first on agenda docket time guarantees (time certain) for qualifying projects at all decision levels.

**Early Environmental** - Provide early scoping meetings, technical study scoping and review, and environmental determination for qualifying projects to jump start the environmental process. Implement BPR recommendations to allow qualifying consultants to prepare early environmental document drafts.

**Self Certification** - Allow qualifying projects that are larger and more complex than are currently allowed to do plan check and inspection through self certification.

**Concurrent Processing** - Allow concurrent processing after first review cycle.

**One Day Conflict Resolution** - Provide Guaranteed one day conflict resolution for qualifying projects.

**Discipline Sign Off Simplification** - Unhook discipline signoffs (more deferred submittals) that can be obtained as construction sequencing proceeds. (Revisit discretionary permit condition drafting to allow this.)

**Bond Release** – Provide a streamlined bond release process for qualifying projects.

**Planning Group Review Performance** – Establish minimum review turnaround time for community planning group recommendation. If not recommendation within established timeframe, group relinquishes all appeal rights.

**CEQA Streamlining** – Prepare Master EIR for typical qualifying project types that can be used throughout City.

**Guaranteed Appointments** – Provide priority submittal, review, and permit issuance appointments for qualified projects.

**Counter Review After 1<sup>st</sup> Cycle** – Provide over the counter reviews for all qualifying project's subsequent review cycles after 1<sup>st</sup> Cycle.

**Customer Performance** – Customer signs commitment to follow department guidelines to process qualifying projects.

### **Team Related Incentives**

Options/requirements that streamline or enhance project processing by the way staff, other agency, and other stakeholder interests groups are trained and work together to efficiently process the project and utilize all incentives (federal, state, local public and private) available for the project being processed.

**Financial Team** - Add Economic Development and Redevelopment staff members to pre-application and initial project review meetings to ensure applicant is fully aware of any incentives that City Planning and Community Investment may be able to provide.

**Specialized Review Teams** - Provide special teams trained on the specific project type and the types of conditions, deviations, limitations, processes to improve the speed of project review and processing. This could include management staff in addition to technical reviewers depending on the type of project.

**Interagency Incentive Team** - Add an interagency incentives expert team member (tax credits, reduced cost of services, rebates, grants, recycling of equipment incentives, etc.) to projects to provide early advice and financial viability of projects. Could also offer services to complete paperwork for rebates and other incentives as well as tap into online services and provide a common "green" link through DSD webpage.

**Project Management** - Provide a ministerial (construction permit) single point of contact for qualifying projects for processing and conflict resolution.

**Bonus Incentive** - Qualifying projects that use a local consultant team get an additional bonus incentive.

**Community Planning Review Committee** – Form community planning review subcommittees for each type of qualifying project in each planning group that are trained to understand development activity and that have power to make project recommendations without full planning group. Establish a new rule that any recommendations for denial by group of a qualifying project must include a detailed list of changes that would result in the groups support for the project. Alternative - form a different type of planning group (Mayor appointed?) just for qualifying project types outside the regular planning group process. Alternative – consider a separate process such as a design charrette.

**Dry Utility Company Commitment** – Secure dry utility company commitment for coordination with qualifying project applicants. Establish timelines for new dry utility company rules to apply to projects in process.

**FAA/Airport Authority Commitment** – Secure FAA and Airport Authority to approve projects conformance to their requirements for qualifying projects.

## **Regulatory Incentives**

Regulation changes that offer process incentives or regulation deviation incentives for qualifying projects. These regulation changes may result in significant unmitigated impacts requiring an EIR to process them, and statements of overriding consideration to approve them at City Council.

**Deviations** - Allow specific design deviations or variable deviations from the regulations of the underlying zone to address unique aspects of the qualifying project (e.g. height deviation for roof mounted solar facilities) or to give incentive to the qualifying project (e.g. FAR increase for projects voluntarily creating accessible living units).

**Bonuses** - Change regulations to provide incentives like density bonuses or parking reductions for qualifying projects.

**Permit Exemptions** - Create permit exemptions for qualifying projects from certain permit types such as site development or neighborhood development permits.

**Green Roof** – Allow vegetated roofs and roof gardens to count toward open space or landscape area requirements.

**Parking Incentives** – Adopt priority parking spaces and parking reductions for hybrid use, carpool vehicles, and shuttles.

**Adaptive Reuse** – Allow more flexibility in previously conforming regulations if buildings are renovated into qualifying project. Ideas could include allowing larger, by right expansions to previously conforming structures, uses, density; allowing any additions to observe all previously conforming setbacks; etc.

## **Marketing Incentives**

Incentives that attract, promote, or that support qualifying projects

**Recognition** - City recognition (open to interpretation/development) for qualifying projects such as section on City/DSD website or lobby displays to showcase these developments.

## **Financial Incentives**

Incentives that provide financial discounts or rewards for qualifying projects.

**Fee/Rebate** - Charge non-qualifying projects to provide financial incentives those that propose qualifying projects (e.g. charge projects that only meet Title 24 minimum standard to provide offsets to those that exceed those standard by some established level).

**Penalty Fee** – To discourage qualifying projects from not fulfilling commitment to be qualified, charge a penalty fee. Alternative – place monetary lean on property or have outside company that verifies compliance.

**Impact Fee Deferral** – Allow impact fee deferral until final inspection for qualifying projects.

**Infrastructure Incentive** – For certain qualifying projects that are in areas with planned City infrastructure upgrades, change the City CIP priority to allow upgrade to proceed with qualifying project.

### **Educational Incentives**

Incentives provided by City or outside entities to train applicants of qualifying projects on how to streamline process, obtain incentives, get community support, etc.

**Community Outreach** - Provide support group for qualifying projects to facilitate the review and recommendation process via education and advocacy.

**Technical Training** – Arrange on-site training courses by experts on green roofs, daylighting, gray water systems, energy efficiency practices, affordable financing, adaptability, regulatory incentives, etc.

\*Need to balance all of the incentives with community concerns and policies